

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

BALLARD SPAHR LLP
A Pennsylvania Limited Liability
Partnership
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Attorneys for Defendant Countrywide
Home Loans, Inc.

In re: :
LUCILA PERALTA, :
Debtor : Chapter 13
: Case No. 10-39031
:
:
:
LUCILA PERALTA, :
Plaintiff, :
v. : Adv. No. 10-02495
: Judge: Honorable Rosemary
: Gambardella
COUNTRYWIDE HOME LOANS, INC. et al., :
: Hearing Date: February 15,
: 2011, 10:00 a.m., Courtroom 3E
Defendants. :
:

**NOTICE OF MOTION TO DISMISS COUNTS II, III, IV AND V OF THE
DEBTOR'S ADVERSARY COMPLAINT**

TO: Lucila Peralta
c/o Shmuel Klein
Law Office of Shmuel Klein
113 Cedarhill Ave.
Mahwah, NJ 07430

Your rights may be affected. You should read these papers
carefully and discuss them with your attorney, if you have one

in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)

1. If you do not want the court to grant the relief sought in the motion or if you want the court to consider your views on the motion, then, on or before **14 days from the date of service of this notice or as Judge Gambardella sets forth**, you or your attorney must do *all* of the following:

(a) file an answer explaining your position at:

Clerk's Office
United States Bankruptcy Court for the District of
New Jersey
50 Walnut Street
Newark, NJ 07102

If you mail your answer to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above; and

(b) mail a copy to the movant's attorney:

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2. If you or your attorney do not take the steps described in paragraphs 1(a) and 1(b), above, and attend the hearing referenced in paragraph 3, below, the court may enter an order granting the relief requested in the motion.

3. A hearing on the motion is scheduled to be held before the Honorable Rosemary Gambardella.

4. If a copy of the motion is not enclosed, a copy of the motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).

5. You may contact the Bankruptcy Clerk's office at (973) 645-4764 to find out whether the hearing has been canceled because no one filed an answer.

PLEASE TAKE NOTICE, that on **February 15, 2011 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, Defendant Countrywide Home Loans, Inc. ("Countrywide"), through its undersigned counsel, shall move before the United States Bankruptcy Court for the District of New Jersey, Martin Luther King Bldg. & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, Courtroom 3E for an order granting Countrywide's Motion to Dismiss Counts II, III, IV and V of the Debtor's Adversary Complaint.

PLEASE TAKE FURTHER NOTICE that in support of the Motion, Countrywide shall rely upon the attached Memorandum of Law in Support of Motion.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order accompanies this Motion.

PLEASE TAKE FURTHER NOTICE that oral argument is waived unless timely opposition is filed and served.

Respectfully submitted,

/s/ Martin C. Bryce, Jr.
Martin C. Bryce, Jr., Esquire
Keith B. Joseph, Esquire

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*Attorneys for Defendant
Countrywide Home Loans, Inc.*

Date: January 25, 2011